

# Patterson Belknap Webb & Tyler LLP

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March 6, 2013

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Mr. Kiley Kmiec  
Co-founder, Editor-in-Chief  
[Cosbysweaters.com](http://Cosbysweaters.com)

By Email: [kiley@cosbysweaters.com](mailto:kiley@cosbysweaters.com)  
[REDACTED]

By Federal Express:  
Mr. Kiley Kmiec  
[REDACTED]

Suite 200  
Los Angeles, CA 90064

## Re: Trademark Infringement

Dear Mr. Kmiec:

We are legal counsel for Bill Cosby. It has come to our attention that you are using "Cosby" (including the nickname "Coz") in connection with the website located at [www.cosbysweaters.com](http://www.cosbysweaters.com), the Facebook page located at [www.facebook.com/cozsweaters](http://www.facebook.com/cozsweaters), and the Twitter page located at [www.twitter.com/CozSweaters](http://www.twitter.com/CozSweaters) (collectively, "Cosby Sweaters Sites"), including in the domain name, on the Cosby Sweaters Sites generally, in connection with advertising, on T-shirts as well as in branding on avatars in connection with XBOX. (See attached Schedules 1-6.)

In addition, you display a "TM" trademark symbol to indicate that you are claiming trademark rights in "Cosby Sweaters." (See attached Schedule 7.)

Mr. Cosby has used his name for decades in connection with activities as an entertainer. His name is famous throughout the world and he has acquired tremendous goodwill and valuable intellectual property rights, including a United States trademark registration. (See attached Schedule 8.) In addition, as you know, the multi-colored, multi-patterned sweaters that Mr. Cosby wore on "The Cosby Show," an iconic television program that aired from 1984 through 1992 and has continued in broadcast as reruns and in syndication both domestically and

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internationally through the present, are strongly associated with Cosby. The term "Cosby Sweater" instantly evokes Mr. Cosby and The Cosby Show. In fact, you expressly acknowledge the connection with Cosby and The Cosby Show by referencing the characters' names on one of the t-shirts you offer for sale. (See Schedule 9.)

As you know, you are not licensed or otherwise authorized to use Mr. Cosby's name in connection with the Cosby Sweater Sites, XBOX or for any other purpose whatsoever. Therefore, your activities are likely to give the public the false impression that Mr. Cosby endorses, sponsors, or is otherwise affiliated with your activities, illegally appropriates his name for commercial purposes, and violates his intellectual property rights, including statutory and common law trademark rights and rights of publicity.

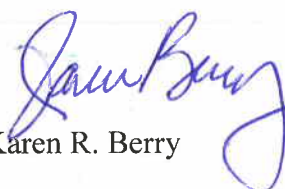
We demand that you immediately cease using "Cosby" as part of the Cosby Sweaters Sites and XBOX avatars, including in connection with advertising, t-shirts, and in any other manner. In addition, we demand that you account for all of your activities in connection with the Cosby Sweater Sites and XBOX, including but not limited to, providing a complete and accurate statement of all revenues generated from the Cosby Sweaters Sites and XBOX (including from advertising, t-shirt sales (with a report of all inventory in your possession or control)) and otherwise since the Cosby Sweaters Site located at cosbysweaters.com was launched in 2010.

We must receive the information requested above along with your written confirmation that you have complied with our demands within five calendar days from the date of this letter.

This letter does not purport to be a complete statement of the facts or the law and is without prejudice to the legal and equitable rights of Mr. Cosby, all of which are expressly reserved.

We trust we will receive a prompt response.

Very truly yours,

  
Karen R. Berry

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## Schedule 1

The screenshot shows the homepage of the website 'cosbysweaters.com'. At the top, there is a navigation bar with links for 'Log in/Sign up', 'About', 'Jobs', 'Suggest a Link', 'Contact Us', 'Write for Next Impulse Media', and 'SHOP'. There are also social media links for RSS, Twitter, and Facebook. Below the navigation bar is a large yellow banner for 'Sprint' with the text 'SWITCH TO SPRINT. Truly Unlimited™ data, text, and calling to any mobile while on the Sprint network.' and a button 'SEE HOW WE COMPARE'. The main content area features a large article titled 'Olympic Pole Vaulter Experiences Olympic Size Roller-coaster Of Emotions [Video]' with a photo of Renaud Lavillenie. To the right of this article is a sidebar with a section titled 'TIME Techland 50 Best Websites 2012' and a sub-section 'Ever Been Arrested?' with a photo of a man with a mustache. Below the main article is a section 'Latest From Cosby Sweaters' with a sub-section 'Check Out This Insane Floating Hoop Trick Shot' and a photo of a person with a hoop. At the bottom right, there is a GoToMeeting advertisement and a section for 'Upgrade your business to Optimum and get a 30-day no-risk guarantee.' with a price of '\$50.90/mo.'.

cosbysweaters.com

Log in/Sign up About Jobs Suggest a Link Contact Us Write for Next Impulse Media SHOP

RSS Follow us Become a fan

**COSBY sweaters.**  
the magic is in the details.

**Sprint**

**SWITCH TO SPRINT.**  
Truly Unlimited™ data, text, and calling to any mobile while on the Sprint network.  
Restrictions apply.

**SEE HOW WE COMPARE**

Home NFL NBA MLB NCAA NHL Other Sports Tech Culture Best of the Internet

Search this site...

**Olympic Pole Vaulter Experiences Olympic Size Roller-coaster Of Emotions [Video]**  
Posted by Chris Partlow on March 5, 2013 | 0 Comments and 0 Reactions  
Olympic pole vaulter Renaud Lavillenie is one heck of a pole vaulter and also one grown man-baby. Despite winning his third European indoor pole vault title this past Sunday, he will still only be known as the guy who threw a child-like tantrum. According to The Star, The Frenchman took gold with 6.03m before successfully clearing 6.07m on his third and final attempt which would... Read more »

**TIME Techland 50 Best Websites 2012**

**Ever Been Arrested?**

... then your arrest record is online and ANYONE can view it. Want to see what's in yours?

[Click here to check instantly.](#)

**Check Out This Insane Floating Hoop Trick Shot**  
Posted on March 5, 2013 | 0 Comments and 0 Reactions  
What happens when you combine trick shot artists Dude Perfect with extreme adventurer DevinSuperTramp? This insane trick shot at Texas Motor Speedway. See more from the collaboration here. [ViralViralVideos]

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Business Internet & Phone  
**\$50.90/mo.**

<http://cosbysweaters.com/>

## Schedule 2

Welcome to Next Impulse Media: The Nosebleeds Cosby Sweaters Morning Donuts Playground Dad

**NIM** Home About Advertising Jobs Contact Blog

### Banner Ads...and Beyond


The Next Impulse Media family of websites is a perfect place to get your products and services in front of the highly covered male 18-45 demographic. Across our core sites -- The Nosebleeds (college, lifestyle), Cosby Sweaters (sports, lifestyle), Morning Donuts (business, career) and Playground Dad (parenting) -- we have thousands of Facebook fans and over a quarter of a million Twitter followers. We'd love to work with you and your brand or small business to craft innovative ways to reach men at the various stages of their lives - from college to fatherhood. Below is a quick brainstorm of some programs we could collaborate on. Of course the possibilities are endless - so get in touch with us and let's see what we can come up with.

### Integrated Video Content

**COSBY sweaters.**

Australian Junior Olympic Hurdler Internet Sensation

The Next Impulse Media team can create compelling video content combined with strong, relevant promotions to immerse the male 18-45 demographic in your product. We will create video content that resonates and doesn't "try too hard".



<http://next-impulse.com/advertising.html>

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### Schedule 3



<https://www.facebook.com/cozsweaters>



#### Schedule 4

The image is a screenshot of a web browser showing the Twitter profile of 'Cosby Sweaters' (@CozSweaters) and a sign-up page on the left. The sign-up page has a purple header with 'COSBY sweaters' and a list of links: Tweets, Following, Followers, Favorites, and Lists. Below this is a 'Follow Cosby Sweaters' section with fields for Full name, Email, and Password, and a 'Sign up' button. To the right of the sign-up page is the Twitter profile header for 'Cosby Sweaters' (@CozSweaters), featuring a colorful patterned background and the text 'The official twitter account of CosbySweaters.com - Named one of Time Magazine's 50 Best Websites of 2012'. Below the header are statistics: 14,098 TWEETS, 882 FOLLOWING, and 1,417 FOLLOWERS, with a 'Follow' button. The main content area shows a list of tweets. The first tweet is from 'Cosby Sweaters' (@CozSweaters) about a newspaper headline. The second tweet is a retweet from '@BleacherReport' about Dwight Howard. The third tweet is from 'Cosby Sweaters' (@CozSweaters) about a red card shown to Nani. The fourth tweet is from 'Joe Maddon' (@RaysJoeMaddon) about shaving heads for pediatric cancer. At the bottom of the sign-up page, there is a 'Dünya çapında Trends' section with various hashtags like #WhatDoWhenIAmAlone, #TiaHenicaChat, #imThatTypeOfPersonWho, #MuereChavez, #CitePessoasSexy, QEPD Chavez, and BeyHive Is Excited To New Single.

1. Tweet w  
2. Visit us on our ho  
http://cosbyswea  
3. Visit us on Zucke  
http://www.facebook

**COSBY sweaters**

Tweets  
Following  
Followers  
Favorites  
Lists

**Follow Cosby Sweaters**

Full name  
Email  
Password  
Sign up

**Cosby Sweaters** @CozSweaters  
The official twitter account of CosbySweaters.com - Named one of Time Magazine's 50 Best Websites of 2012  
The Magic is in the Details - http://cosbysweaters.com

14,098 TWEETS 882 FOLLOWING 1,417 FOLLOWERS Follow

**Tweets**

**Cosby Sweaters** @CozSweaters  
Newspaper Publishes Unfortunate Headline Graphic  
coz.by/13F2p6S  
Expand Reply Retweet Favorite More

**Cosby Sweaters** @CozSweaters  
LOL RT @BleacherReport: Dwight Howard is an 82% free throw shooter... in practice (h/t @SportsGrid) pic.twitter.com/PgYZg3VRE0  
View photo

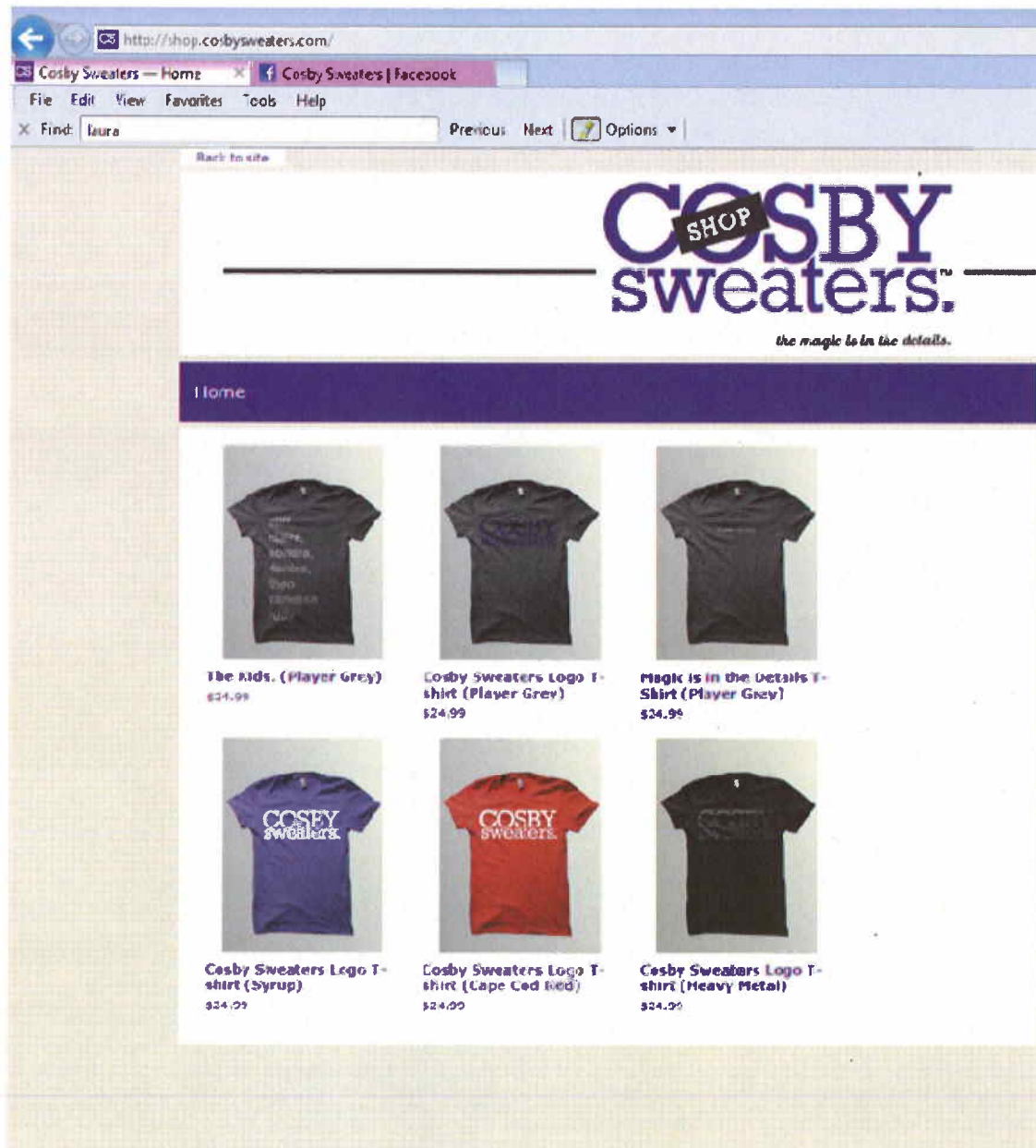
**Cosby Sweaters** @CozSweaters  
WOW! Red card shown to Nani. Absolutely horrible call. Sir Alex is not pleased.  
Expand

**Joe Maddon** @RaysJoeMaddon  
We're shaving our heads again to support Pediatric Cancer Foundation. 3/15 vs. PHI. Donate \$100 at fastercure.org & you can join us.  
Retweeted by Cosby Sweaters  
from Florida, US

Dünya çapında Trends Change  
#WhatDoWhenIAmAlone  
#TiaHenicaChat  
#imThatTypeOfPersonWho  
#MuereChavez  
#CitePessoasSexy  
QEPD Chavez  
BeyHive Is Excited To New Single

<https://twitter.com/CozSweaters>


Schedule 5



## Schedule 6

### The Cosby Sweater Goes Digital With XBOX Live

Posted July 24, 2012 by Mike Johnson & filed under [Cosby Sweaters](#)

 We are thrilled to announce that the first round of Cosby Sweaters branded XBOX Live avatars are now live on the XBOX Live Avatar Marketplace. Our collection features our swag-tastic Cosby-style sweater. Keep that XBOX Live avatar warm! If you've ever watched a single episode of *The Cosby Show* or have ever listened to a single song by The Notorious B.I.G., you need to add this item to our avatar's rotation.

A full list of our brand new items are below



Make sure your XBL Avatar is Fresh & Clean

- [Women's Cosby Sweaters T-Shirt \(80 pts.\)](#) | [Get Details and Buy Now](#)
- [Women's Cosby Sweaters Hoodie \(160 pts.\)](#) | [Get Details and Buy Now](#)
- [Men's Cosby Sweaters Hoodie \(160 pts.\)](#) | [Get Details and Buy Now](#)
- [Men's Cosby Sweaters T-Shirt \(80 pts.\)](#) | [Get Details and Buy Now](#)
- [Men's Cosby Sweaters Baseball Jersey \(160 pts.\)](#) | [Get Details and Buy Now](#)
- [Men's Cosby Sweater "Ugly Sweater" \(160 pts.\)](#) | [Get Details and Buy Now](#)
- [Unisex Cosby Sweaters Hat \(80 pts.\)](#) | [Get Details and Buy Now](#)
- [Men's Cosby Sweaters Varsity Jacket \(160 pts.\)](#) | [Get Details and Buy Now](#)
- [Women's Cosby Sweaters "Ugly Sweater" \(160 pts.\)](#) | [Get Details and Buy Now](#)

Q Search

Search

#### Recent Posts

- [The Cosby Sweater Goes Digital With XBOX Live](#)
- [Cosby Sweaters Makes Reddit Front Page #1](#)
- [The Nosebleeds Join Next Impulse Media](#)

#### Recent Comments

#### Archives

- [July 2012](#)

#### Categories

- [Cosby Sweaters](#)
- [Next Impulse News](#)
- [The Nosebleeds](#)

 Facebook social plugin

#### Social Connect

 Connect with Facebook

#### Cosby Sweaters Team

Co-Founder, Editor in Chief  
Kiley Kruec - [Email](#) | [Twitter](#)

Co-Founder, Biz Dev

Mike Johnson - [Email](#) | [Twitter](#)

<http://next-impulse.com/blog/the-cosby-sweater-goes-digital-with-xbox-live/>



Schedule 7

**COSBY**  
sweaters.™

*the magic is in the details.*

**COSBY**  
sweaters.™

*the magic is in the details.*

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**COSBY**  
sweaters.  
the magic is in the details.

**THAT'S GETTING TO A  
BETTER STATE**



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Schedule 8

United States of America  
United States Patent and Trademark Office

BILL COSBY

Reg. No. 4,178,010

Registered July 24, 2012

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

WILLIAM H. COSBY OR UNITED STATES INDIVIDUAL  
C/O ENTERSEN BILKINS WEBB & TYLER LLP  
1100 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

FOR ENTERTAINMENT SERVICES IN THE NATURE OF LIVE STAGE PERFORMANCES  
IN THE NATURE OF LIVE COMEDY AND MUSICAL PERFORMANCES AND PROVIDING  
ACCOMMODATION, SPEAKING SERVICES IN THE FIELD OF SELF- AND PERSONAL IMPROVEMENT,  
AND PROVIDING A WEBSITE OFFERING INFORMATION RELATING TO  
SUCH PERFORMANCES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USED 12-31-1963, IN COMMERCE 12-31-1963

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK IDENTIFIES  
"WILLIAM H. COSBY, JR.", WHOSE CONSENT(S) TO REGISTRATION IS MADE OF RECORD.

SER. NO. 85,334,136, FILED 5-31-2011

ANGELA M. MICHELL, EXAMINING ATTORNEY



**Schedule 9**

